IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20050 of 2004

Between:

P. Karianna S/o late P. Chikkanna
R/o Irigepalli Golla Hatti Village, Agali Mandal, Anantapur District

..... PETITIONER

AND

1 The Superintendent of Police Anantapur District, Anantapur
2 The Station House Officer, Agali Police Station, Agali,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not registering the crime on the complaint dated 17-10-2004 of the petitioner is highly arbitrary, illegal and further direct the respondents to register the crime and investigate into the matter as per law on the allegations made in the petitioner's complaint dated 17-10-2004.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner lodged a complaint dated 17-10-2004 with the 2nd respondent – Station House Officer, Agali Police Station, Ananthapur District alleging that one Rangappa s/o.Rangadasappa and others forcibly entered into his fields and plucked the Groundnut Crop raised by him and took away one full tractor load and that they also beat him and threatened with dire consequences. When the 2nd respondent failed to register the case, he sent another complaint dated 21-10-2004 to the 2nd respondent by registered post enclosing the earlier complaint dated 17-10-2004. He also sent a copy of the complaint dated 21-10-2004 to the first respondent – Superintendent of Police, Anantapur District by registered post as required under Section 154(3) of the Code of Criminal Procedure. Since no action has been taken by the respondents, the petitioner filed this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondents, the writ petition is disposed of with a direction to the 1st respondent to consider the complaints made by the petitioner dated 17-10-2004 and 21-10-2004 and to take necessary action in accordance with law for investigating the complaint if he is satisfied that a

cognizable offence is made out. Even if he is of the opinion that no cognizable offence has been committed, the same shall be informed to the petitioner accordingly.

Accordingly, the writ petition is disposed of. No costs.

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09-11-2004

Note: Issue C.C in three days.

B/o.

vs

To

1 The Superintendent of Police Anantapur District, Anantapur
2 The Station House Officer, Agali Police Station, Agali,

Anantapur District.

3 2CCs to the G.P for Home, High Court Buildings, Hyderabad(O.U.T).

4 2CD copies